

BEFORE THE DEPARTMENT OF CORRECTIONS
OF THE STATE OF MONTANA

In the matter of the amendment of)	AMENDED NOTICE AND
ARM 20.9.302, 20.9.306, 20.9.308,)	EXTENSION OF COMMENT
20.9.311, 20.9.315, and 20.9.320)	PERIOD ON PROPOSED
pertaining to youth who have been)	AMENDMENT
paroled from youth correctional)	
facilities)	

TO: All Concerned Persons

1. On May 26, 2011, the Department of Corrections published MAR Notice No. 20-9-47 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 808 of the 2011 Montana Administrative Register, Issue Number 10.

2. A public hearing was held June 28, 2011. No testimony or comments were received. The Department of Corrections is extending the comment period because it has revised the statement of reasonable necessity for the proposed amendment to ARM 20.9.311 pursuant to e-mailed comments received from the Legislative Services Division. Sections 2-4-305(8)(b) and(c), MCA, require that an agency must use an amended proposal notice to correct any deficiencies in a statement of reasonable necessity.

3. The Department of Corrections will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Corrections no later than 5:00 p.m. on August 2, 2011, to advise us of the nature of the accommodation that you need. Please contact Diana L. Koch, Department of Corrections, 5 South Last Chance Gulch, Helena, Montana, 59620; telephone (406) 444-9593; fax (406) 444-4920; or e-mail dkoch@mt.gov.

4. The department proposes to amend ARM 20.9.311 as follows, new matter underlined, deleted matter interlined:

20.9.311 APPEAL (1) through (3) remain as proposed.

(4) The statement shall contain notice to the youth of the youth's right to appeal, within ~~40~~ ten days, the director's decision to the district court in the county where the parole revocation hearing was held and the youth's right to have a written transcript of the hearing if the youth appeals the decision to district court.

(5) Within a reasonable time of notice of the youth's appeal to district court, the department will furnish a transcript of the revocation hearing to the youth's attorney.

AUTH: 52-5-102, 52-5-129, MCA

IMP: 52-5-102, 52-5-126, 52-5-127, 52-5-128, 52-5-129, MCA

STATEMENT OF REASONABLE NECESSITY: The department proposes to amend ARM 20.9.311 to delete the necessity to provide a written transcript of the hearing and to lengthen the amount of time in which the department must provide a recording to the youth and department director. The department does not have the resources to provide written transcription of the hearing in every case, but will provide a transcript if the youth appeals to district court. Also, the department ~~and~~ cannot provide a recording within one business day of the hearing.

5. ARM 20.9.302, 20.9.306, 20.9.308, 20.9.315, and 20.9.320 remain as proposed.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Diana L. Koch, Department of Corrections, 5 South Last Chance Gulch, Helena, Montana, 59620; telephone (406) 444-9593; fax (406) 444-4920; or e-mail dkoch@mt.gov, and must be received no later than 5:00 p.m., August 5, 2011.

/s/ Diana L. Koch
Diana L. Koch
Rule Reviewer

/s/ Mike Ferriter
Mike Ferriter
Director
Department of Corrections

Certified to the Secretary of State July 18, 2011.